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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,768

09/29/2006

Neil Swan

CES-82

3325

7590

12/22/2008

Ira S. Dorman
330 Roberts Street
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EXAMINER

PAIK, SANG YEOP

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

12/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,768	Applicant(s) SWAN ET AL.	
	Examiner SANG Y. PAIK	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McWilliams (US 4,447,710) in view of Payne (US 4,816,647) or McWilliams (US 5,961,867).

McWilliams '710 shows the method including an electric cooking assembly having a glass ceramic cooking plate having an upper and a lower surface, an electrical heater with a heating element, a first temperature sensor (16) such as a temperature limiter, a second temperature-responsive device (20) including a platinum resistor arranged substantially in contact with the lower surface to monitor the temperature of a cooking utensil placed on the upper surface of the plate, the platinum resistor is provided with an insulation shield support pad/substrate (18), and a control means for controlling the electric heater in response to the second temperature-responsive device in a closed loop for energizing the heater.

But, McWilliams '710 does not explicitly teach for the input selection means for predetermined boiling levels with predetermined sensed temperature being offset relative to the actual temperature representative of the boiling levels.

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Payne shows a heating device with a microprocessor control having a plurality of input means for inputting different levels of power to produce its respective heating temperatures and a temperature sensor to sense an actual heating temperature. Payne further teaches that the heating elements are operated at a power level other than the power level selected by the user, i.e., the predetermined temperature/power being offset relative to the actual temperature, to rapidly bring the temperature within the selected power range. McWilliams '867 also teaches that the temperature of the cooking plate is permitted to exceed a selected or predetermined level (Y) up to a predetermined temporary safe level (z), and McWilliams '867 shows that such temporary level of temperature is adjustable.

In view of Payne or McWilliams '867, it would have been obvious to one of ordinary skill in the art to adapt McWilliams '710 with different heating levels, including different boiling levels, with a predetermined temperature that is offset relative to the selected heating/boiling levels, to rapidly bring the heating temperature within the desired selected heating ranges.

With respect to claims 14-19, Payne shows that it is known to provide different levels of heating temperatures, and it would have been obvious to one of ordinary skill in to further adapt McWilliams '710 with the recited temperature settings or ranges to achieve different heating temperatures as a matter of a routine operation to allow the user to achieve a desired heating temperature.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG Y. PAIK whose telephone number is (571) 272-4783. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571) 272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SANG Y PAIK/
Primary Examiner, Art Unit 3742